

REMARKS

1. Status of Claims

Claims 14-32 were pending in the application. Applicants have amended claims 14, and 21 without prejudice or disclaimer. Applicants respectfully request entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added. Accordingly, claims 14-32 will remain pending in the application.

2. Examiner's Response to Arguments

In section 4 of the Office Action, the Examiner again disagreed with Applicants argument regarding a default indication. The Examiner referenced paragraph 0168 and 0176 of Montgomery '148. However, Applicants again respectfully disagree with the Examiner's reasoning. The cited reference does not teach or suggest a negative print success indicator at all. In fact, Montgomery does not offer a reprint of the original label at all, but instead has the user print a new second label with a different tracking number and a second postage charge. Montgomery '148 then suggests that a person might infer that the original and second label are related using the information provided in TABLE 3 such as the duplicate postage amount and identical destination ZIP code information. See Montgomery '148 at ¶ 0168.

Contrary to the Examiner's assertion that the claims "do not limit the broadly recited "negative print success indicator" to any particular type and thus they read on the descriptions in Montgomery," the following term in claim 1 clearly distinguishes the two label approach in the cited reference:

receiving a print success indicator at the server, wherein the print success indicator is associated with a reprint request for the shipping label having a first identifier, and wherein the print success indicator comprises a response or a default indication if no response is received within an allocated response time period"

Accordingly, it is clear that claim 1 recites a particular type of print success indicator for a single shipping label that is completely contrary to the two label approach of the cited reference.

Furthermore, Applicants again dispute the Examiner's statement of inherency. The Examiner apparently suggests that it would be inherent that every print success indicator be in response to something, either a failed printing or a completed printing. Applicants respectfully suggest that such statement does not support a finding of inherent subject matter in the cited reference. For material to be inherent, that purported subject matter must be the only way that the teachings of the reference could be accomplished. Here, the reference itself proves that the purported subject matter is not inherent. Montgomery '148 does not teach or suggest a negative print success indicator, but merely logs each of the two postage requests.

Furthermore, Claims 14 and 21 have been amended to further clarify the reprint operation and therefore, the Applicants respectfully request reconsideration.

3. Rejections under 35 USC § 101

In section 8 of the Office Action, the Examiner rejected Claims 14 - 32 under 35 U.S.C. 101 as allegedly directed to non-statutory subject matter.

Applicants respectfully traverse the rejection, but solely in order to expedite prosecution, Applicants have amended claims 14 and 21 to recite use of the server and thus the rejection is moot.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection.

4. Rejections under 35 USC § 103

In section 7 of the Office Action, the Examiner rejected Claims 14-18, 21-25, 28 and 29-32 (sic) under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent Application Publication No. 2003/0101148 A1 (sic) by Montgomery, et al. ("Montgomery '148") in view of U.S. Patent No. 6,687,684 to Whitehouse, et al. ("Whitehouse '684").

Applicants respectfully note that the reference publication number listed in section 11 of the Office Action is a typographical error.

Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution, Applicants have amended claims 14 and 21 and the rejection is moot. Applicants respectfully submit that the cited reference does not teach or

suggest at least a print success indicator at all and certainly does not teach or suggest a print success indicator associated with a single shipping label and more specifically does not teach or suggest:

receiving a print success indicator at the server, wherein the print success indicator is associated with a reprint request for the shipping label having a first identifier, and wherein the print success indicator comprises a response or a default indication if no response is received within an allocated response time period”

Moreover, Montgomery ‘148 teaches away from a print success indicator since it requires two labels, each with separate tracking identifiers and then a manual review of the associated table such as TABLE 3 of the reference. Accordingly, Applicant respectfully submits that Montgomery ‘148 does not offer a reprint of the original label at all, but instead has the user print a new second label with a different tracking number and a second postage charge.

In the reprint operations taught by the Applicants in the instant application, the advantages include, but are not limited to, allowing a reprint attempt without charging for postage twice. This advantage is in contrast to the system of Montgomery ‘148 that clearly requires a double postage charge as shown in paragraph 0168 and TABLE 3.

Accordingly, Applicants respectfully submit that the cited references do not teach or fairly suggest each element of the invention as presently claimed.

Applicants respectfully disagree with the Examiner’s interpretation in section 15 of the term permit number to coincide with a postage vendor ID. A permit number is a known term in the art and is not fairly interpreted as suggested.

Moreover, Whitehouse ‘684 describes only receiving a reprint request rather than a print success indicator for each label. Additionally, one of skill in the art would not look to Whitehouse ‘684 to modify Montgomery ‘148 since Montgomery ‘148 deals only with multiple labels with different tracking numbers and thus a combination with Whitehouse ‘684 would render such combination inoperable or not suitable for the intended purpose of the combination.

Independent claim 21 and dependent claims 15-17, 22-23 and 28-32 are patentable over the cited reference for at least the same reasons described above with reference to the associated independent claim and any intervening claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 14-17, 21-24, 28 and 29.

In section 21 of the Office Action, the Examiner rejected Claims 19, 20, 26 and 27 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent Application Publication No. 2003/0101148 A1 (sic) by Montgomery, et al. ("Montgomery '148") in view of U.S. Patent No. 6,687,684 to Whitehouse, et al. ("Whitehouse '684") in further view of U.S. Patent No. 6,032,138 to McFiggans, et al. ("McFiggans '138").

Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution, Applicants have amended independent claims 14 and 21 and the rejection is moot. Applicants respectfully submit that dependent claims 19, 20, 26 and 27 are patentable over the cited references for at least the same reasons described above with reference to the associated independent claims.

Furthermore, one of skill in the art would not look to McFiggans '138 to modify Montgomery '148 as suggested and respectfully submit the Examiner is resorting to the use of impermissible hindsight. Here, Montgomery '148 contemplates fraud detection using only duplicate detection and in no way considers or contemplates any problem with time based fraud detection. For example, it might take a forger more time between printing a large batch of forgeries and using such in a mail stream and thus presenting an interesting fraud detection mechanism not recognized in the cited art, but possible with the instant invention as presently claimed. However, a system such as taught in Montgomery '148 teaching only positive duplicate detection could never solve such a problem. Accordingly, Applicants respectfully submit that the cited references are not properly combined.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 19, 20, 26 and 27.

Accordingly, Applicants respectfully submit that claims 14-32 are in condition for allowance.

5. Conclusion Of Remarks

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

6. Authorization

No fee is believed due with this Communication. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-730-O1.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-730-O1.

Respectfully submitted,

/George M. Macdonald/

George M. Macdonald
Reg. No. 39,284
Attorney of Record
Telephone (203) 924-3180
PITNEY BOWES INC.
Intellectual Property and Technology Law Department
35 Waterview Drive, P.O. Box 3000
Shelton, CT 06484-8000